



#8
5/12/03
R. D. Bone
PATENT
28053/37955

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

BROWN et al.

Serial No: 10/009,023

Filed: April 12, 2002

For: STARCH SUB-TYPES
AND LIPID METABOLISM

Group Art Unit: 1623

Examiner: Kathleen Kahler Fonda

) I hereby certify that this paper is being
) deposited with the United States Postal
) Service as First Class mail, postage
) prepaid, in an envelope addressed to:
) Commissioner for Patents, Washington,
) D.C. 20231, on this date.
) **April 28, 2003**

RECEIVED

MAY 06 2003

Jeffrey S. Sharp

Registration No. 31,879

Attorney for Applicants

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated March 26, 2003 in the above-identified application in which the Examiner requested election of a species within the invention. Specifically, the Examiner restricted the claims to three groups: Group I comprising claims 1-10, 26-33 and 35; Group II comprising claims 11 and 12; and Group III comprising claims 13-25, 34 and 36-38. In response to the request, Applicants elect Group I with traverse subject to Applicants' right to refile the non-elected subject matter in a divisional application. Further, Applicants neither admit nor deny the Examiner's statements regarding EP 0 747 397 A2.

Should the Examiner wish to discuss any issues of form or substance in order to expedite allowance of the pending application, she is invited to contact the undersigned attorney at the number indicated below.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

By:

Jeffrey S. Sharp

Registration No. 31,879

6300 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606-6357

(312) 474-6300

April 28, 2003